

1261

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 05-1213-1547

ELECTIONS: UNIT BK-115  
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on February 2, 2006 which was recorded at Deed Book 647, Page 433 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on February 7, 2006, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit BK-115;


Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, N.A., VA7515, P.O. Box 14061, Roanoke, VA 24038, Attn: Judy Barger or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.


Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 20<sup>th</sup> day of March, 2008, by a majority of the Virginia Gas and Oil Board.

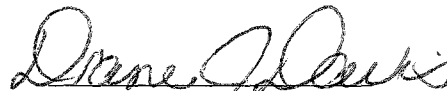
  
Chairman, Benny R. Wampler

DONE AND PERFORMED THIS 20<sup>th</sup> day of March, 2008, by Order of the Board.

  
B. R. Wilson,  
Director of the Division of Gas & Oil Board and  
Principal Executive to the Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 20<sup>th</sup> day of March, 2008, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

  
Diane J. Davis, Notary  
174394

My commission expires: September 30, 2009

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit BK-115  
VGOB 05-1213-1547 in the New Garden District of Russell County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS,  
ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Manager – Environmental Permitting and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on February 2, 2006, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on February 7, 2006;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of February 2, 2006;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have entered into a voluntary agreement with the Designated Operator:

See attached Exhibit B-2

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

Swords Creek Coal & Coke Corporation, Roger G. Perkins, Vickie Diane Perkins, Curby R. Perkins, Sharlett Perkins Quillen, Kenny W. Perkins, Claude A. Ray, Jr.

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

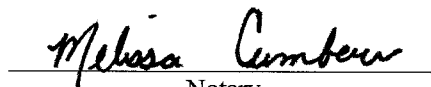
None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

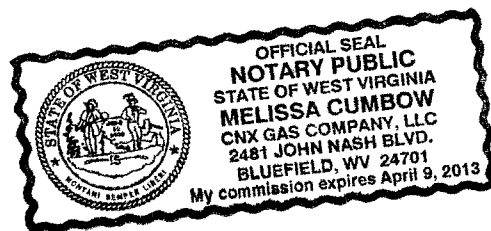
Dated at Mercer, West Virginia, this 3rd day of March, 2008.

  
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as a Manager – Environmental Permitting for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 3rd day of March, 2008.

  
Notary

My commission expires: April 9, 2013.



PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED  
BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK 48 PAGE 0397

N 282,922.42  
E 990,957.95

58.74 ACRE UNIT

N 282,865.01  
E 992,556.43

N 281,323.64  
E 990,900.53

N 281,266.24  
E 992,499.01

EXHIBIT A  
MIDDLE RIDGE 1 FIELD  
UNIT BK-115  
FORCE POOLING  
VGOB-05-1213-1547

Company CNX Gas Company LLC Well Name and Number UNIT BK115  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Honaker  
County Russell District New Garden Scale: 1" = 400' Date 4/2/05  
This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
Rev. 9/91

Charles O. May  
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

**CNX Gas Company LLC****UNIT BK-115****Tract Identifications****(58.74 Acre Unit)**

BOOK 088 PAGE 0398

1. **CNX Gas Company LLC (220.50 Acre Tract) – All Minerals Except Coal  
Reserve Coal Properties Company – Coal & Surface  
24.41 acres 41.5560%**
2. **Swords Creek Coal & Coke (156.79 Acre Tract) – Coal  
Charles W. Perkins et ux (44 Acre Tract) – Surface, Oil and Gas  
CNX Gas Company LLC – Oil, Gas & CBM Leased  
22.84 acres 38.8832%**
3. **Swords Creek Coal & Coke (156.79 Acre Tract) – Coal  
Charles W. Perkins et ux (15.39 Acre Tract) – Surface, Oil and Gas  
CNX Gas Company LLC – Oil, Gas & CBM Leased  
0.41 acres .6979%**
4. **Swords Creek Coal & Coke (156.79 Acre Tract) – Coal  
Charles W. Perkins et ux (5 Acre Tract) – Surface  
Charles W. Perkins et ux – (5 Acre Tract) – Oil & Gas  
CNX Gas Company LLC – Oil, Gas & CBM Leased  
OR  
Nora Childress Heirs – Oil & Gas  
OR  
Elmer Perkins Heirs – Oil & Gas  
0.49 acres .8390%**
5. **Swords Creek Coal & Coke (156.79 Acre Tract) – Coal  
Miles Honaker et al (28.60 Acre Tract) – Surface  
Miles Honaker et al (28.60 Acre Tract) – Oil & Gas  
OR  
Nora Childress Heirs – Oil & Gas  
OR  
Cordelia Perkins Heirs – Oil & Gas  
0.87 acres 1.4811%**
6. **Swords Creek Coal & Coke (156.79 Acre Tract) – Coal  
Charles W. Perkins et ux (8 Acre Tract) – Surface  
Elmer Perkins Heirs – Oil & Gas  
4.01 acres 6.8266%**
7. **Swords Creek Coal & Coke (156.79 Acre Tract) – Coal  
Claude Ray Jr. (28.23 Acre Tract) – Surface, Oil & Gas  
CNX Gas Company LLC – Oil, Gas & CBM  
5.70 acres 9.7037%**

**CNX Gas Company LLC**  
**UNIT BK-115**  
**Tract Identifications**  
**(58.74 Acre Unit)**

BOOK 688 PAGE 0399

8.      Letha J. Vandyke et al – All Minerals  
         Harold Keen Coal Company, Inc. – All Coal Leased  
         CNX Gas Company LLC – Oil, Gas & CBM Leased  
         G.F. Hurt Heirs – Surface  
              0.01 acres                      .0170%

Exhibit B-2  
Unit BK-115  
Docket #VGOB 05-1213-1547  
List of Respondents to be Dismissed  
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit	Reason for Dismissal
<b>I. COAL FEE OWNERSHIP</b>			
<b><u>Tract #2, 22.84 acres</u></b>			
(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	22.84 acres	38.8832%	Leased
<b><u>Tract #3, 0.41 acres</u></b>			
(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	0.41 acres	0.6980%	Leased
<b><u>Tract #4, 0.49 acres</u></b>			
(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	0.49 acres	0.8342%	Leased
<b><u>Tract #5, 0.87 acres</u></b>			
(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	0.87 acres	1.4811%	Leased
<b><u>Tract #6, 4.01 acres</u></b>			
(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	4.01 acres	6.8267%	Leased
<b><u>Tract #7, 5.70 acres</u></b>			
(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	5.70 acres	9.7038%	Leased
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>			
<b><u>Tract #5, 0.87 acres</u></b>			
Cordelia Perkins Heirs, Devisees, Successors or Assigns	0.87 acres	1.4811%	
(4) Elmer Perkins Heirs, Devisees, Successors or Assigns			
(a) Joseph C. Perkins Heirs, Devisees, Successors or Assigns			
(a.1) Roger G. Perkins 570 Stoney Battery Road Marion, VA 24354	0.0136 acres 1/64 of 0.87 acres	0.0231%	Leased
(a.2) Vickie Diane Perkins 3545 Northway Drive Zebulone, NC 27597	0.0136 acres 1/64 of 0.87 acres	0.0231%	Leased



Exhibit B-2  
Unit BK-115  
Docket #VGOB 05-1213-1547  
List of Respondents to be Dismissed  
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit	Reason for Dismissal
(b) Curby R. Perkins 4261 Walnut Grove Road Shawsville, VA 24162	0.0272 acres 1/32 of 0.87 acres	0.0463%	Leased
(c) Sharlett Perkins Quillen 504 Butternut Drive Fredericksburg, VA 22408	0.0272 acres 1/32 of 0.87 acres	0.0463%	Leased
(d) Kenny W. Perkins 202 Forest Drive Stuarts Draft, VA 24477	0.0272 acres 1/32 of 0.87 acres	0.0463%	Leased
<b><u>Tract #7, 5.70 acres</u></b>			
(1) Claude A. Ray, Jr. P.O. Box 576 Cedar Bluff, VA 24609	5.70 acres	9.7038%	Leased

Exhibit B-3  
Unit BK-115  
Docket #VGOB 05-1213-1547  
List of Unleased Owners/Claimants  
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
<b>II. <u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
<b><u>Tract #4, 0.49 acres</u></b>		
(1) Nora Childress Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.49 acres	0.8342%
<b><u>Tract #5, 0.87 acres</u></b>		
(1) Nora Childress Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.87 acres	1.4811%
<b>- OR -</b>		
Cordelia Perkins Heirs, Devisees, Successors or Assigns	0.87 acres	1.4811%
(1) Marvin Perkins Heirs, Devisees, Successors or Assigns		
(a) Charlie Perkins Rt.1 Box 118 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(b) John Perkins Heirs, Devisees, Successors or Assigns		
(b.1) James Aubry Perkins <i>Address Unknown</i>	0.0033 acres 1/264 of 0.87 acres	0.0056%
(b.2) Johnny Perkins <i>Address Unknown</i>	0.0033 acres 1/264 of 0.87 acres	0.0056%
(b.3) Greg Perkins <i>Address Unknown</i>	0.0033 acres 1/264 of 0.87 acres	0.0056%
(c) Elmer Perkins P.O. Box 138 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(d) Lincous Perkins P.O. Box 299 Honaker, VA 24260	0.0099 acres 1/88 of 0.87 acres	0.0168%
(e) Jason Perkins <i>Address Unknown</i>	0.0099 acres 1/88 of 0.87 acres	0.0168%
(f) David Perkins P.O. Box 394 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(g) Gerald Perkins P.O. Box 117 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%

**Exhibit B-3**  
**Unit BK-115**  
**Docket #VGOB 05-1213-1547**  
**List of Unleased Owners/Claimants**  
**(58.74 Acre Unit)**

BOOK 688 PAGE 0403

	Acres in Unit	Interest in Unit
(h) Clifford Perkins P.O. Box 206 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(i) Cornella Perkins Justus P.O. Box 105 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(j) Sally Perkins Reynolds P.O. Box 716 Lebanon, VA 24266	0.0099 acres 1/88 of 0.87 acres	0.0168%
(j) Mary Lou Perkins Rasnake Rt.1 Box 16 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
<b>(2) Noah Perkins Heirs, Devisees, Successors or Assigns</b>		
(a) Virgil Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0136 acres 1/64 of 0.87 acres	0.0231%
(b) Nola Perkins Miller Rt.2 Box 122 Honaker, VA 24260	0.0136 acres 1/64 of 0.87 acres	0.0231%
(c) Evelyn Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0136 acres 1/64 of 0.87 acres	0.0231%
(d) Nadene Perkins Honaker P.O. Box 228 Honaker, VA 24260	0.0136 acres 1/64 of 0.87 acres	0.0231%
(e) Joyce Perkins Miller 574 Linkous Drive Lebanon, VA 24266	0.0136 acres 1/64 of 0.87 acres	0.0231%
(f) Patty Perkins Honaker P.O. Box 114 Honaker, VA 24260	0.0136 acres 1/64 of 0.87 acres	0.0231%
(g) James Perkins Heirs, Devisees, Successors or Assigns		
(g.1) Janice Perkins P.O. Box 204 Swords Creek, VA 24649	0.0136 acres 1/64 of 0.87 acres	0.0231%
(h) Jerry Perkins Rt.1 Box 158 Swords Creek, VA 24649	0.0136 acres 1/64 of 0.87 acres	0.0231%
<b>(3) Roy Perkins Heirs, Devisees, Successors or Assigns</b>		
(a) Glen Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0181 acres 1/48 of 0.87 acres	0.0309%

**Exhibit B-3**  
**Unit BK-115**  
**Docket #VGOB 05-1213-1547**  
**List of Unleased Owners/Claimants**  
**(58.74 Acre Unit)**

BOOK 688 PAGE 0404

	Acres in Unit	Interest in Unit
(b) Victor Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0181 acres 1/48 of 0.87 acres	0.0309%
(c) Wanda Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0181 acres 1/48 of 0.87 acres	0.0309%
(d) Harlan Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0181 acres 1/48 of 0.87 acres	0.0309%
(e) Pauline Perkins Ray P.O. Box 276 Swords Creek, VA 24649	0.0181 acres 1/48 of 0.87 acres	0.0309%
(f) Lacy Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0181 acres 1/48 of 0.87 acres	0.0309%
(5) Audrey McGee Heirs, Devisees, Successors or Assigns		
(a) Jerry McGee <i>Address Unknown</i>	0.1088 acres 1/8 of 0.87 acres	0.1851%
(6) Dorothy Cole Heirs, Devisees, Successors or Assigns		
(a) Cecil Cole 886 Indian Head Lane Chilhowie, VA 24319	0.0218 acres 1/40 of 0.87 acres	0.0370%
(b) Lowell Cole 4950-C Sussex Court SW Roanoke, VA 24018	0.0218 acres 1/40 of 0.87 acres	0.0370%
(c) Joseph Cole 2209 Trojan Drive Bristol, VA 24202	0.0218 acres 1/40 of 0.87 acres	0.0370%
(d) Harold Cole 1633 Stewart Avenue Roanoke, VA 24013	0.0218 acres 1/40 of 0.87 acres	0.0370%
(e) Brenda Fletcher P.O. Box 135 Swords Creek, VA 24649	0.0218 acres 1/40 of 0.87 acres	0.0370%
(7) Jettie Boyd Heirs, Devisees, Successors or Assigns		
(a) Erlene Boyd P.O. Box 136 Rosedale, VA 24280	0.0272 acres 1/32 of 0.87 acres	0.0463%
(b) Paul Boyd Rt.2 Box 118 Honaker, VA 24260	0.0272 acres 1/32 of 0.87 acres	0.0463%
(c) James William Boyd Heirs, Devisees, Successors or Assigns		

**Exhibit B-3**  
**Unit BK-115**  
**Docket #VGOB 05-1213-1547**  
**List of Unleased Owners/Claimants**  
**(58.74 Acre Unit)**

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	Acres in Unit	Interest in Unit
(c.1) Rita Hughart Heirs, Devisees, Successors or Assigns		
(c.1.1) Mark Andrew Hughart P.O. Box 432 Doran, VA 24612	0.0091 acres 1/96 of 0.87 acres	0.0154%
(c.1.2) Judy Boyd Delp 417-A Stoney Hill Tr. New Bern, NC 28562	0.0036 acres 1/240 of 0.87 acres	0.0062%
(c.1.3) Johnny Sherman Boyd 170 East Meadows Road Thomasville, NC 27360	0.0036 acres 1/240 of 0.87 acres	0.0062%
(c.1.4) James Dallas Boyd Heirs, Devisees, Successors or Assigns		
(c.1.4.1) James Boyd c/o Cindy Kennison 419 S. Fayette Street Washington, C.H., OH 43160	0.0018 acres 1/480 of 0.87 acres	0.0031%
(c.1.4.2) Christie Boyd c/o Cindy Kennison 419 S. Fayette Street Washington, C.H., OH 43160	0.0018 acres 1/480 of 0.87 acres	0.0031%
(c.1.5) Beth Hughart c/o Mark Andrew Hughart P.O. Box 432 Doran, VA 24612	0.0036 acres 1/240 of 0.87 acres	0.0062%
(c.1.6) Viola Hughart c/o Mark Andrew Hughart P.O. Box 432 Doran, VA 24612	0.0036 acres 1/240 of 0.87 acres	0.0062%
(d) Barbara Reynolds Heirs, Devisees, Successors or Assigns		
(d.1) Raymond Reynolds Rt.1 Box 208A Cleveland, VA 24225	0.0091 acres 1/96 of 0.87 acres	0.0154%
(d.2) Dorothy Jean Combs Rt.1 Box 206A Cleveland, VA 24225	0.0091 acres 1/96 of 0.87 acres	0.0154%
(d.3) George Ray P.O. Box 3222 Lebanon, VA 24266	0.0091 acres 1/96 of 0.87 acres	0.0154%
(8) Emmie Hale Heirs, Devisees, Successors or Assigns		
(a) Marvin Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(b) Edward Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(c) Bobby Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%

Exhibit B-3  
Unit BK-115  
Docket #VGOB 05-1213-1547  
List of Unleased Owners/Claimants  
(58.74 Acre Unit)

BOOK 688 PAGE 0406

	Acres in Unit	Interest in Unit
(d) Marie Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(e) Beulah Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(f) Nadene Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(g) Shirley Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(h) Cordelia Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(i) Betty Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(j) Arbutus Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%

Exhibit E  
Unit BK-115  
Docket #VGOB 05-1213-1547  
List of Conflicting Owners/Claimants that require escrow  
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
<b><u>Tract #2, 22.84 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	22.84 acres	38.8832%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Charles W. Perkins, et ux. Rt.1 Box 118 Swords Creek, VA 24649	22.84 acres	38.8832%
<b><u>Tract #3, 0.41 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	0.41 acres	0.6980%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Charles W. Perkins, et ux. Rt.1 Box 118 Swords Creek, VA 24649	0.41 acres	0.6980%
<b><u>Tract #4, 0.49 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	0.49 acres	0.8342%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Charles W. Perkins, et ux. Rt.1 Box 118 Swords Creek, VA 24649	0.49 acres	0.8342%
- OR -		
(1) Nora Childress Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.49 acres	0.8342%
- OR -		
(1) Elmer Perkins Heirs, Devisees, Successors or Assigns	0.49 acres	0.8342%
(a) Joseph C. Perkins Heirs, Devisees, Successors or Assigns		
(a.1) Roger G. Perkins 570 Stoney Battery Road Marion, VA 24354	0.0613 acres 1/8 of 0.49 acres	0.1043%

Exhibit E  
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(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
(a.2) Vickie Diane Perkins 3545 Northway Drive Zebulone, NC 27597	0.0613 acres 1/8 of 0.49 acres	0.1043%
(b) Curby R. Perkins 4261 Walnut Grove Road Shawsville, VA 24162	0.1225 acres 1/4 of 0.49 acres	0.2085%
(c) Sharlett Perkins Quillen 504 Butternut Drive Fredericksburg, VA 22408	0.1225 acres 1/4 of 0.49 acres	0.2085%
(d) Kenny W. Perkins 202 Forest Drive Stuarts Draft, VA 24477	0.1225 acres 1/4 of 0.49 acres	0.2085%

**Tract #5, 0.87 acres**

**COAL FEE OWNERSHIP**

(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	0.87 acres	1.4811%
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**OIL & GAS FEE OWNERSHIP**

(1) Miles Honaker, et al.	0.87 acres	1.4811%
(a) Miles Honaker P.O. Box 1514 Honaker, VA 24260	0.261 acres 3/10 of 0.87 acres	0.4443%
(c) Sharlett Perkins Quillen 504 Butternut Drive Fredericksburg, VA 22408	0.609 acres 7/10 of 0.87 acres	1.0368%

- OR -

(1) Nora Childress Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.87 acres	1.4811%
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- OR -

Cordelia Perkins Heirs, Devisees, Successors or Assigns	0.87 acres	1.4811%
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(1) Marvin Perkins Heirs, Devisees, Successors or Assigns		
(a) Charlie Perkins Rt.1 Box 118 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(b) John Perkins Heirs, Devisees, Successors or Assigns		



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	Acres in Unit	Interest in Unit
(b.1) James Aubry Perkins <i>Address Unknown</i>	0.0033 acres 1/264 of 0.87 acres	0.0056%
(b.2) Johnny Perkins <i>Address Unknown</i>	0.0033 acres 1/264 of 0.87 acres	0.0056%
(b.3) Greg Perkins <i>Address Unknown</i>	0.0033 acres 1/264 of 0.87 acres	0.0056%
(c) Elmer Perkins P.O. Box 138 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(d) Lincous Perkins P.O. Box 299 Honaker, VA 24260	0.0099 acres 1/88 of 0.87 acres	0.0168%
(e) Jason Perkins <i>Address Unknown</i>	0.0099 acres 1/88 of 0.87 acres	0.0168%
(f) David Perkins P.O. Box 394 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(g) Gerald Perkins P.O. Box 117 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(h) Clifford Perkins P.O. Box 206 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(i) Cornella Perkins Justus P.O. Box 105 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(j) Sally Perkins Reynolds P.O. Box 716 Lebanon, VA 24266	0.0099 acres 1/88 of 0.87 acres	0.0168%
(j) Mary Lou Perkins Rasnake Rt.1 Box 16 Swords Creek, VA 24649	0.0099 acres 1/88 of 0.87 acres	0.0168%
(2) Noah Perkins Heirs, Devisees, Successors or Assigns		
(a) Virgil Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0136 acres 1/64 of 0.87 acres	0.0231%
(b) Nola Perkins Miller Rt.2 Box 122 Honaker, VA 24260	0.0136 acres 1/64 of 0.87 acres	0.0231%
(c) Evelyn Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0136 acres 1/64 of 0.87 acres	0.0231%
(d) Nadene Perkins Honaker P.O. Box 228 Honaker, VA 24260	0.0136 acres 1/64 of 0.87 acres	0.0231%

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**(58.74 Acre Unit)**

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	Acres in Unit	Interest in Unit
(e) Joyce Perkins Miller 574 Linkous Drive Lebanon, VA 24266	0.0136 acres 1/64 of 0.87 acres	0.0231%
(f) Patty Perkins Honaker P.O. Box 114 Honaker, VA 24260	0.0136 acres 1/64 of 0.87 acres	0.0231%
(g) James Perkins Heirs, Devisees, Successors or Assigns		
(g.1) Janice Perkins P.O. Box 204 Swords Creek, VA 24649	0.0136 acres 1/64 of 0.87 acres	0.0231%
(h) Jerry Perkins Rt.1 Box 158 Swords Creek, VA 24649	0.0136 acres 1/64 of 0.87 acres	0.0231%
(3) Roy Perkins Heirs, Devisees, Successors or Assigns		
(a) Glen Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0181 acres 1/48 of 0.87 acres	0.0309%
(b) Victor Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0181 acres 1/48 of 0.87 acres	0.0309%
(c) Wanda Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0181 acres 1/48 of 0.87 acres	0.0309%
(d) Harlan Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0181 acres 1/48 of 0.87 acres	0.0309%
(e) Pauline Perkins Ray P.O. Box 276 Swords Creek, VA 24649	0.0181 acres 1/48 of 0.87 acres	0.0309%
(f) Lacy Perkins Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0181 acres 1/48 of 0.87 acres	0.0309%
(4) Elmer Perkins Heirs, Devisees, Successors or Assigns		
(a) Joseph C. Perkins Heirs, Devisees, Successors or Assigns		
(a.1) Roger G. Perkins 570 Stoney Battery Road Marion, VA 24354	0.0136 acres 1/64 of 0.87 acres	0.0231%
(a.2) Vickie Diane Perkins 3545 Northway Drive Zebulone, NC 27597	0.0136 acres 1/64 of 0.87 acres	0.0231%
(b) Curby R. Perkins 4261 Walnut Grove Road Shawsville, VA 24162	0.0272 acres 1/32 of 0.87 acres	0.0463%

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	Acres in Unit	Interest in Unit
(c) Sharlett Perkins Quillen 504 Butternut Drive Fredericksburg, VA 22408	0.0272 acres 1/32 of 0.87 acres	0.0463%
(d) Kenny W. Perkins 202 Forest Drive Stuarts Draft, VA 24477	0.0272 acres 1/32 of 0.87 acres	0.0463%
(5) Audrey McGee Heirs, Devisees, Successors or Assigns		
(a) Jerry McGee Address Unknown	0.1088 acres 1/8 of 0.87 acres	0.1851%
(6) Dorothy Cole Heirs, Devisees, Successors or Assigns		
(a) Cecil Cole 886 Indian Head Lane Chilhowie, VA 24319	0.0218 acres 1/40 of 0.87 acres	0.0370%
(b) Lowell Cole 4950-C Sussex Court SW Roanoke, VA 24018	0.0218 acres 1/40 of 0.87 acres	0.0370%
(c) Joseph Cole 2209 Trojan Drive Bristol, VA 24202	0.0218 acres 1/40 of 0.87 acres	0.0370%
(d) Harold Cole 1633 Stewart Avenue Roanoke, VA 24013	0.0218 acres 1/40 of 0.87 acres	0.0370%
(e) Brenda Fletcher P.O. Box 135 Swords Creek, VA 24649	0.0218 acres 1/40 of 0.87 acres	0.0370%
(7) Jettie Boyd Heirs, Devisees, Successors or Assigns		
(a) Erlene Boyd P.O. Box 136 Rosedale, VA 24280	0.0272 acres 1/32 of 0.87 acres	0.0463%
(b) Paul Boyd Rt.2 Box 118 Honaker, VA 24260	0.0272 acres 1/32 of 0.87 acres	0.0463%
(c) James William Boyd Heirs, Devisees, Successors or Assigns		
(c.1) Rita Hughart Heirs, Devisees, Successors or Assigns		
(c.1.1) Mark Andrew Hughart P.O. Box 432 Doran, VA 24612	0.0091 acres 1/96 of 0.87 acres	0.0154%
(c.1.2) Judy Boyd Delp 417-A Stoney Hill Tr. New Bern, NC 28562	0.0036 acres 1/240 of 0.87 acres	0.0062%
(c.1.3) Johnny Sherman Boyd 170 East Meadows Road Thomasville, NC 27360	0.0036 acres 1/240 of 0.87 acres	0.0062%

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	Acres in Unit	Interest in Unit
(c.1.4) James Dallas Boyd Heirs, Devisees, Successors or Assigns		
(c.1.4.1) James Boyd c/o Cindy Kennison 419 S. Fayette Street Washington, C.H., OH 43160	0.0018 acres 1/480 of 0.87 acres	0.0031%
(c.1.4.2) Christie Boyd c/o Cindy Kennison 419 S. Fayette Street Washington, C.H., OH 43160	0.0018 acres 1/480 of 0.87 acres	0.0031%
(c.1.5) Beth Hughart c/o Mark Andrew Hughart P.O. Box 432 Doran, VA 24612	0.0036 acres 1/240 of 0.87 acres	0.0062%
(c.1.6) Viola Hughart c/o Mark Andrew Hughart P.O. Box 432 Doran, VA 24612	0.0036 acres 1/240 of 0.87 acres	0.0062%
(d) Barbara Reynolds Heirs, Devisees, Successors or Assigns		
(d.1) Raymond Reynolds Rt.1 Box 208A Cleveland, VA 24225	0.0091 acres 1/96 of 0.87 acres	0.0154%
(d.2) Dorothy Jean Combs Rt.1 Box 206A Cleveland, VA 24225	0.0091 acres 1/96 of 0.87 acres	0.0154%
(d.3) George Ray P.O. Box 3222 Lebanon, VA 24266	0.0091 acres 1/96 of 0.87 acres	0.0154%
(8) Emmie Hale Heirs, Devisees, Successors or Assigns		
(a) Marvin Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(b) Edward Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(c) Bobby Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(d) Marie Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(e) Beulah Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(f) Nadene Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(g) Shirley Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(h) Cordelia Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%
(i) Betty Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%

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	Acres in Unit	Interest in Unit
(j) Arbutus Hale Address Unknown	0.0109 acres 1/80 of 0.87 acres	0.0185%

Tract #6, 4.01 acres

COAL FEE OWNERSHIP

(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	4.01 acres	6.8267%
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OIL & GAS FEE OWNERSHIP

(1) Elmer Perkins Heirs, Devisees, Successors or Assigns	4.01 acres	6.8267%
(a) Joseph C. Perkins Heirs, Devisees, Successors or Assigns		
(a.1) Roger G. Perkins 570 Stoney Battery Road Marion, VA 24354	0.5013 acres 1/8 of 4.01 acres	0.8533%
(a.2) Vickie Diane Perkins 3545 Northway Drive Zebulone, NC 27597	0.5013 acres 1/8 of 4.01 acres	0.8533%
(b) Curby R. Perkins 4261 Walnut Grove Road Shawsville, VA 24162	1.0025 acres 1/4 of 4.01 acres	1.7067%
(c) Sharlett Perkins Quillen 504 Butternut Drive Fredericksburg, VA 22408	1.0025 acres 1/4 of 4.01 acres	1.7067%
(d) Kenny W. Perkins 202 Forest Drive Stuarts Draft, VA 24477	1.0025 acres 1/4 of 4.01 acres	1.7067%

Tract #7, 5.70 acres

COAL FEE OWNERSHIP

(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	5.70 acres	9.7038%
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OIL & GAS FEE OWNERSHIP

(1) Claude A. Ray, Jr. P.O. Box 576 Cedar Bluff, VA 24609	5.70 acres	9.7038%
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VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 4-2, 2008. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 12:08 o'clock P.M., after payment of \$        tax imposed by Sec. 58.1-802.

Original returned this date to: Diane Davis

TESTE: ANN S. McREYNOLDS, CLERK  
BY: Janet Ratliff D. CLERK

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